

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

SURENDRA CHAGANTI,

Appellant

v.

MISSOURI BOARD OF REGISTRATION FOR THE HEALING ARTS.

Respondent

DOCKET NUMBER WD77746

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: March 10, 2015

Appeal From:

Circuit Court of Cole County, MO
The Honorable Jon Edward Beetem, Judge

Appellate Judges:

Division Three
Victor C. Howard, P.J., James Edward Welsh, and Gary D. Witt, JJ.

Attorneys:

Ann Konold, Chesterfield, MO

Counsel for Appellant

Attorneys:

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Counsel for Respondent
Co-Counsel for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**SURENDRA CHAGANTI, Appellant, v. MISSOURI BOARD OF
REGISTRATION FOR THE HEALING ARTS, Respondent**

WD77746

Cole County

Before Division Three Judges: Howard, P.J., Welsh, and Witt, JJ.

Surendra Chaganti appeals the decision of the Administrative Hearing Commission (AHC) finding that the Missouri Board of Registration for the Healing Arts (Board) had cause to discipline his medical license pursuant to section 334.100.2(4) and (4)(g), RSMo Cum. Supp. 2010. On appeal, Chaganti claims: (1) that the terms "unprofessional conduct" and "final disciplinary action" used in section 334.100.2(4)(g) are unconstitutionally vague, (2) that the actions taken by the hospitals in this case were not "final disciplinary actions"; (3) that nothing in section 334.100.2 permits the Board to file a complaint against a licensee for actions taken by a hospital where the licensee omits information or fails to update information in an application for medical staff privileges; (4) that nothing in section 334.100.2 permits the Board to file a complaint against a licensee for the licensee's failure to report any changes of staff privileges at another hospital; (5) that no substantial evidence supported the AHC's decision that Chaganti omitted information in his staff privileges application at SSM DePaul Health Center; (6) that no substantial evidence supported the AHC's decision that Chaganti omitted information in his staff privileges application at SSM St. Mary's Health Center; and (7) that the AHC erred in ruling that there was no evidence of conflict of interest and selective prosecution by the members of the Board.

Reversed

Division Three holds:

(1) The Board lacked a statutory basis for filing the complaint against Chaganti's medical license for the actions taken by DePaul and St. Mary's. We do not find any statutory sections that would put a licensee on notice that his license could be disciplined for "unprofessional conduct" if the licensee inadvertently failed to list hospital affiliations on a reapplication for staff privileges at a hospital or if the licensee inadvertently failed to update information and report to another hospital that another hospital had revoked the licensee's staff privileges because the licensee had omitted past hospital affiliations on a reapplication for staff privileges. Under the circumstances of this case, the Board has no lawful basis under section 334.100.2(4) and (4)(g) to assert a disciplinary action for "unprofessional conduct" against Chaganti's license to practice as a physician. We, therefore, reverse the circuit court's judgment affirming the AHC's decision that cause existed to discipline Chaganti's medical license pursuant to section 334.100.2(4) and (4)(g).

Opinion by James Edward Welsh, Judge

March 10, 2015

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